

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

PROSPECT MEDICAL, P.C. et al,

Plaintiffs,

v.

CIGNA CORPORATION, et al,

Defendants.

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Civil Action No. 09-5912 (SRC)

ORDER

CHESLER, District Judge

This matter having come before the Court on the motion to dismiss [docket entry no. 30] filed by Defendant Connecticut General Life Insurance Company (“CGLIC”); and Plaintiff having opposed the motion; and the court having held oral argument on February 10, 2011; and the Court having reviewed the papers submitted and considered the arguments presented by the parties; and for the reasons set forth by the Court at oral argument; and for good cause shown,

IT IS on this 10th day of January, 2011,

ORDERED that Defendant’s motion to dismiss [docket entry no. 30] be and hereby is **DENIED IN PART and GRANTED IN PART**; and it is further

ORDERED that all claims brought on behalf of patient RV be and hereby are **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that Counts II and III of the Second Amended Complaint [docket entry no.

27] be and hereby are **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that Plaintiffs' jury demand be and hereby is **STRICKEN**; and it is further

ORDERED that Defendant's motion to dismiss be and hereby is **DENIED** as to Plaintiffs' ERISA § 502(a)(1)(B) claims on behalf of patients AS and ML; and it is further

ORDERED that Plaintiffs amend their Complaint within two weeks of the entry of this order in accordance with the Court's dictates as enunciated at oral argument held on February 10, 2011.

s/Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge